UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

WORLD WRESTLING ENTERTAINMENT, INC.

04 CV 8223 (KMK) Plaintiff,

(ECF CASE) v.

JAKKS PACIFIC, INC.; JAKKS PACIFIC (H.K.) LIMITED; ROAD CHAMPS LIMITED; THQ, INC.; THO/JAKKS PACIFIC LLC; STANLEY SHENKER AND ASSOCIATES, INC.; STANLEY SHENKER; BELL LICENSING, LLC; JAMES BELL; JACK FRIEDMAN; STEPHEN BERMAN; JOEL BENNETT; and BRIAN FARRELL,

Defendants. ----- x

COMPENDIUM OF UNREPORTED DECISIONS RELIED UPON BY THE JAKKS DEFENDANTS IN THEIR MEMORANDA OF LAW IN SUPPORT OF THEIR MOTION TO DISMISS THE AMENDED COMPLAINT

FEDER, KASZOVITZ, ISAACSON, WEBER, SKALA, BASS & RHINE LLP

Murray L. Skala (MS 9354) Jonathan D. Honig (JH 7577) 750 Lexington Avenue

New York, New York 10022

Phone: (212) 888-8200

Fax: (212) 888-5968

SKADDEN, ARPS, SLATE, **MEAGHER & FLOM LLP** Jonathan J. Lerner (JL 7117) Michael H. Gruenglas (MG 8705) Maura B. Grinalds (MG 2836)

Shannon R. Frankel (SF 8693)

Four Times Square

New York, New York 10036

Phone: (212) 735-3000 Fax: (212) 735-2000

Attorneys for the JAKKS Defendants

August 11, 2006

## **INDEX**

<u>CASES</u> <u>TAF</u>	<u>3</u>
A.I.A. Holdings, S.A. v. Lehman Brothers, Inc., No. 97 Civ. 4978, 2002 WL 1334809 (S.D.N.Y. June 17, 2002)	1
Allen v. Berenson Pari-Mutuel of New York, No. 95 Civ. 10289, 1998 WL 80168 (S.D.N.Y. February 25, 1998)	2
Apollon Waterproofing & Restoration, Inc. v. Bergassi, No. 01 Civ. 8388, 2003 WL 1397394 (S.D.N.Y. March 20, 2003)	3
<u>Aquilio v. Manaker</u> , Nos. 90-CV-45, 91-CV-93, 1991 WL 207473 (N.D.N.Y. October 10, 1991)	4
Beznicki v. Fetaya, No. 8230/05, 2006 WL 1132351 (N.Y. Sup. Ct. Queens County April 18, 2006)	5
Brodeur v. City of New York, No. 04-CV-1859, 2005 WL 1139908 (E.D.N.Y. May 13, 2005)	6
Brown v. Miguens, No. 02 Civ. 5278, 2003 WL 1090304 (S.D.N.Y. March 11, 2003)	7
<u>Casio Computer Co., Ltd. v. Sayo</u> , No. 98CV3772, 2000 WL 1877516 (S.D.N.Y. October 13, 2000)	8
Cheung v. New York Palace Hotel, No. 03-CV-0091, 2005 WL 2387573 (E.D.N.Y. September 28, 2005)	9
<u>Crivera v. City of New York</u> , No. 03 CV 447, 2004 WL 339650 (E.D.N.Y. February 23, 2004)	0
DLT Res., Inc. v. Credit Lyonnais Rouse, Ltd., No. 00 Civ. 3560, 2001 WL 25695 (S.D.N.Y. January 10, 2001)	1
DePalma v. Realty IQ Corp., No. 01 Civ. 446, 2002 WL 461647 (S.D.N.Y. March 25, 2002)	2

<u>Donahue v. Uno Restaurants, LLC</u> , No. 3:06-CV-53, 2006 WL 1373094 (N.D.N.Y. May 16, 2006)
Eastchester Rehabilitation & Health Care Ctr., L.L.C. v. Eastchester Health Care Ctr., L.L.C., No. 03 Civ. 7786, 2005 WL 887154 (S.D.N.Y. April 15, 2005) 14
<u>Fakhoury Enterprises, Inc. v. J.T. Distributors</u> , No. 94 Civ. 2729, 1997 WL 291961 (S.D.N.Y. June 2, 1997)
Ficke v Johns, No. 95 C 939, 1996 WL 99424 (N.D. Ill. March 4, 1996) 16
<u>In re Global Crossing, Ltd. Sec. Litig.</u> , No. 02 Civ. 910, 2006 U.S. Dist. LEXIS 39030 (S.D.N.Y. June 13, 2006)
<u>Holmes v. Long Island Railroad</u> , No. 96 CV 6196, 1998 WL 960299 (E.D.N.Y. December 10, 1998)
<u>James Cape &amp; Sons Co. v. PCC Construction Co.</u> , No. 05-3894, 2006 WL 1751886 (7 <sup>th</sup> Cir. June 28, 2006)
<u>Lefkowitz v. Bank of N.Y.</u> , No. 01 Civ. 6252, 2003 WL 22480049 (S.D.N.Y. October 31, 2003)
<u>Levine v. Columbia Laboratories, Inc.</u> , No. 03 Civ. 8943, 2004 WL 1392372 (S.D.N.Y. June 22, 2004)
<u>Linens of Europe, Inc. v. Best Manufacturing, Inc.</u> , No. 03 Civ. 9612, 2004 WL 2071689 (S.D.N.Y. September 16, 2004)
<u>Maalouf v. Salomon Smith Barney, Inc.</u> , No. 02 Civ. 4770, 2003 WL 1858153 (S.D.N.Y. April 10, 2003)
Marshall v. National Assoc. of Letter Carriers Br. 36, No. 00 Civ. 3167, 2003 WL 223563 (S.D.N.Y. February 3, 2003)
<u>Mezzacappa Brothers, Inc. v. City of New York</u> , No. 03 Civ. 0223, 2003 WL 22801429 (S.D.N.Y. November 24, 2003)
Neewra, Inc. v. Manakh Al Khaleej General Trading and Contracting Co., No. 03 Civ. 2936, 2004 WL 1620874 (S.D.N.Y. July 20, 2004)

<u>Pharr v. Evergreen Gardens, Inc.</u> , No. 03 Civ. 5520, 2004 WL 42262 (S.D.N.Y. January 7, 2004)
<u>Plater-Zyberk v. Abraham, No. Civ. A. 97-3322, 1998 WL 67545</u> (E.D. Pa. February 17, 1998)
Price v. Gast, No. 98 CIV. 7769, 2000 WL 369381 (S.D.N.Y. April 11, 2000) 29
Ray Larsen Associates, Inc. v. Nikko America, Inc., No. 89 Civ. 2809,         1996 WL 442799 (S.D.N.Y. August 6, 1996)       30
Ricioppo v. County of Suffolk, 04 Civ. 3630 (E.D.N.Y. March 29, 2006) 31
<u>Sa'Buttar Health &amp; Medical, P.C. v. TAP Pharmaceuticals, Inc.</u> , No. 03 C 4074, 2004 WL 1510023 (N.D. Ill. July 2, 2004)
<u>Salichs v. Tortorelli,</u> No. 01 Civ. 7288, 2004 WL 602784 (S.D.N.Y. March 29, 2004)
<u>In re Salomon Analyst Winstar Litig.</u> No. 02 Civ. 6171, 2006 WL 510526 (S.D.N.Y. February 28, 2006)
<u>Shamis v. Ambassador Factors Corp.</u> , No. 95 Civ. 9818, 1997 WL 473577 (S.D.N.Y. August 18, 1997)
<u>Sibersky v. Borah, Goldstein, Altschuler &amp; Schwartz, P.C.,</u> No. 99 Civ. 3227, 2002 WL 1610923 (S.D.N.Y. July 22, 2002)
<u>Simpson v. Metro-North Commuter Railroad</u> , No. 04 Civ. 2565, 2006 WL 2056366 (S.D.N.Y. July 20, 2006)
<u>Skylon Corp. v. Guilford Mills, Inc.</u> , No. 93 Civ. 5581,1997 WL 88894 (S.D.N.Y. March 3, 1997)
<u>Stein v. N.Y. Stair Cushion Co.</u> , No. 04-CV-4741, 2006 WL 319300 (E.D.N.Y. February 10, 2006)
Straight Arrow Products v. Conversion Concepts, Inc., No. 01-221, 2001 WL 1530637 (E.D. Pa. December 3, 2001)

<u>United States v. Eppolito</u> , No. 05-CR-192, 2006 WL 1793536 (E.D.N.Y. June 30, 2006)
<u>United States v. Wallace</u> , No. 97 CR. 975, 1998 WL 401534 (S.D.N.Y. July 17, 1998)
Warden v. Crown American Realty Trust, No. Civ. 96-25J, 1999 WL 476996           (W.D. Pa. July 6, 1999)         43
Willis Corroon Corp. of Utah, Inc. v. United Capitol Insurance Co., No. 97-2208, 1998 WL 30069 (N.D.Cal. January 5, 1998)
Wing Hing (Tang) Fabrics Manufacturing Co. v. Rafaella Sportswear, Inc., No. 84 Civ. 9024, 1986 WL 9688 (S.D.N.Y. August 26, 1986)
World Wrestling Entm't Inc. v. Jakks Pacific, Inc., No. 04-CV-82223, 425 F. Supp. 2d 484, 2006 WL 851152 (S.D.N.Y. March 31, 2006)
<u>Wynne v. Equilease Corp.</u> , No. 94 CIV. 4992, 1995 WL 764236 (S.D.N.Y. December 27, 1995)
<u>Zurich American Insurance Co. v. Dah Sing Bank</u> , No. 03 Civ. 7778, 2004 WL 1328215 (S.D.N.Y. June 15, 2004)